
(2017) 10 AP CK 0004
ANDHRA PRADESH HIGH COURT
Case No: 10207 of 2011

Thumma Uma Rani and others

APPELLANT

Vs

State and another

RESPONDENT

Date of Decision: Oct. 5, 2017

Acts Referred:

- Code of Criminal Procedure, 1973, Section 482 - Saving of inherent powers of High Court

Hon'ble Judges: Gudiseva Shyam Prasad

Bench: SINGLE BENCH

Advocate: S.A.V. Ratnam, E.Venkata Reddy

Final Decision: Dismissed

Judgement

1. This Criminal Petition is filed under Section 482 Cr.P.C., to quash the proceedings initiated against the petitioners/A.2 to A.5 in C.C.No.184 of 2011 on the file of the Court of IV Additional Munsif Magistrate, Warangal District, registered for the offences punishable under Section 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act, 1961.

2. The brief facts of the case are that A.1 is husband, A.2 is mother-in-law, A.3 is brother-in-law, A.4 and A.5 are sister-in-laws of respondent No.2 defacto complainant. The marriage of the 2nd respondent was performed with A.1, who is the eldest son of petitioner No.1 (A.2) on 14.12.2006 as per Hindu Customs and Rights at Paradise Function Hall, Subedari, Hanamkonda. After the marriage, the 2nd respondent and her husband-A.1 lived happily for sometime in the house of the petitioners. At the time of marriage, as per the demand of A.1 to A.5, net cash of Rs.2.00 Lakhs, Fixed Deposit amount of Rs.1,50,000/-, Gold ornaments worth Rs.1.00 Lakh and other household articles worth Rs.50,000/- were given to A.1 towards

dowry in the presence of the marriage elders - LWs.4 and 5. After the marriage the 2nd respondent joined the company of the accused at FCI Colony, Julaiwada, Hanamkonda. They led their conjugal life amicably for about 4 months. Thereafter the accused started harassing her mentally and physically on the ground that she is in black complexion and brought less amount of dowry and also demanded to bring additional dowry of Rs.2.00 Lakhs. Later A.1 left respondent No.2 at her parents house, where she stayed for about 8 months. During that period, LWs.2 and 3, who are mother and father of respondent No.2, went to the house of the accused and expressed their inability to provide such a huge amount of additional dowry. Later on 20.11.2007 the father of A.1 died and the death intimation was given to respondent No.2 by A.1. On such intimation, respondent No.2 went to her matrimonial house. Thereafter, A.1 to A.5 again started harassing her mentally and physically demanding to bring additional dowry. On coming to know about the same, LWs.2 and 3 brought her back to their house and the 2nd respondent stayed at her parents house for 3 months, but A.1 did not turn up to take her back. Therefore, on 13.03.2008 the 2nd respondent lodged a complaint at P.S. Subedari, on which the S.I. of Police advised to settle the matter through Panchayat and Panchayat was held before the elders on 30.03.2008, where A.1 to A.5 admitted their guilt and promised that they will not harass the 2nd respondent for additional dowry and took her to matrimonial house on 17.04.2008. One week thereafter, A.1 to A.5 again started harassing her mentally and physically on flimsy issues for additional dowry. Subsequently on 27.08.2008, LWs.2 and 3 went to the house of the accused and on demand of the accused to provide additional dowry, they brought back the respondent No.2 to their house. Since then the 2nd respondent is staying at her parents house and by the date of lodging the complaint, she was carrying 3 months pregnancy. On the complaint lodged by the 2nd respondent, a case in Crime No.409/2008 was registered against A.1 to A.5 for the offences punishable under Sections 498-A IPC and Sections 3 and 4 of Dowry Prohibition Act. After investigation, the police filed charge sheet against A.1 to A.5 for the said offences. Aggrieved by the same, the petitioners, who are A.2 to A.5 filed the present Criminal Petition seeking to quash the proceedings in C.C.No.184 of 2011.

3. Heard the arguments of Sri S.A.V. Ratnam, learned counsel for the petitioners/A.2 to A.5 as well as the learned Public Prosecutor appearing for 1st respondent State and Sri E. Venkata Reddy, learned counsel for the 2nd respondent defacto complainant and perused the material on record.

4. Learned counsel for the petitioners mainly submitted that petitioner Nos.3 and 4, who are A.4 and A.5, respectively, are married and are living separately and hence they have not committed any offence and they were falsely implicated in the present case. Learned counsel would further submit that there are no specific allegations against A.2 to A.5 in the charge sheet and, therefore, the proceedings against them may be quashed.

5. On the other hand, learned Public Prosecutor appearing for 1st respondent State as well as Sri E. Venkata Reddy, learned counsel for the 2nd respondent defacto complainant submits that there are specific allegations against A.2 to A.5 in the complaint as well as in the charge sheet and hence there are no grounds to quash the proceedings against them and that they have to face the trial.

6. On consideration of the material on record and in view of the fact that there are specific allegations against the petitioners/A.2 to A.5 in the complaint and also in the charge sheet, I do not see any valid grounds to quash the proceedings against them in C.C.No.184 of 2011.

7. Accordingly, this Criminal Petition is dismissed. As a sequel, miscellaneous petitions pending, if any, shall stand closed.